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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,611	07/01/2003	Noel F. Dehne	70520-2046	1450
7590 06/13/2006				
Douglas A. Mullen Dickinson Wright PLLC Suite 800 1901 L Street NW Washington, DC 20036			EXAMINER DEUBLE, MARK A	
			ART UNIT 3651	PAPER NUMBER

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/611,611	Applicant(s) DEHNE ET AL.	
	Examiner Mark A. Deuble	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 22-28 are is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 states that the controller is “capable of moving the platform relative to an adjacent platform.” However, it appears from the specification that the drive rather than the controller moves the platform relative to the adjacent platform. The controller is only capable of causing the drive assembly to move the platform relative to an adjacent platform. This discrepancy between the specification and the claims renders the scope of the invention impossible to ascertain.

***Claim Rejections - 35 USC § 102***

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Arkawa et al. (U.S. patent No. 4,944,229).

Arkawa et al. shows a part of a manufacturing operation that includes a plurality of platforms 2 each having an independently controllable and steerable drive assembly 7. Each of the drive assemblies is controlled independently of the other drive assemblies by a controller in the form of a guide rail 9 that is in communication with the wheel of the drive assembly by contact. While this controller is different from the controller described in the specification of the present application, in the absence of any limitation in the claims limiting the type of the

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controller or its relation to the platform, the controller of Arkawa reads on the controller required by claim 1. In operation, the platforms are moved through a production area with adjacent platforms spaced from one another at a second distance. When the platforms get out of order, they are removed from the production area to what may be considered to be a delivery area where they are moved freely independently of the track so that they spaced apart from each other at a first distance that is greater than the second distance under normal operating conditions. Thus Arkawa et al. shows all the structure required by claim 1.

In response to this rejection, Applicant argues that the platform of Arkawa does not include an independently controllable and steerable drive assembly because all the drives are steered by a guide rail. However, all the drive assemblies of Arkawa are steered independently from the other drive assemblies because each drive assembly is turned by the guide rail at different moments in time than the other drive assemblies (i.e. one drive assembly will be turned as it enters a curved portion of the guide rail while another drive assembly will remain straight along a straight portion of the guide rail).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-9, 11, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arkawa et al. in view of Kyotani et al. (U.S. patent No. 5,839,567).

Arkawa has generally all the structure required by the claims however it does not have the controller, the bridge, and the link mechanisms required by the claims present invention. However, Kyotani et al. shows a manufacturing operating with a plurality of platforms 10 that are controlled by a central controller in communication with control mechanisms on each platform so that they maintain a zero gap between adjacent platforms in a production area. This is done by communicating with drive release actuators 49 on each platform and commanding them to link to or unlink from the drive to thereby control the velocities of the platforms. This is also done through a bridge mechanism/link coupler 58-59 that spans the zero gap between first platform and a second platform following the first platform in a production area. The bridge mechanism includes a bridge plate 59a pivotally coupled to one of the first and second platforms and a cam 59b that is engageable with the pivoting plate so that the bridge plate also acts as a latch mechanically coupling adjacent platforms. The bridge plate pivots about a horizontal axis extending laterally across the platform so that it is perpendicular to the longitudinal path of travel of the platforms. The bridge mechanism also includes resilient bumpers 56 and 57. Kyotani et al. teaches that the control and bridge mechanism/link coupler advantageously keep the platforms closely spaced as they move through a production area and that long trains of platforms are advantageous in a manufacturing operation. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to control the platforms of Arkawa et al. so that their velocity is controlled to maintain a zero gap between adjacent platforms in the production area and to link with the bridge mechanism/link coupler described above according to the teachings of Kyotani et al. When this is done, the resulting apparatus would have all the structure required by claims 1-9 and 11, and 22-28.

In regard to the limitation of claim 22 that the controller is capable of moving the platform relative to an adjacent platform, while it is clear that the controller is used to maintain a zero gap between the platforms, it would also be capable of causing adjacent platforms to move relative to each other by communicating with drive release actuators to cause one platform to link to its drive and causing an adjacent trailing platform to unlink from its drive thereby creating relative movement between the platforms.

In regard to the language of claims 23, 24, 27, and 28 stating that “said controller communicates a current command to the drive assembly to control the velocity (claims 23 and 28) or the direction (claims 24) of the platform relative to an adjacent platform”, and that “said central controller in communication with controls the direction of the drive assembly (claim 27)”, and that “said controller communicates with the drive assemblies to control the direction of each platform” it should be noted that while this language is descriptive of the operation of the claimed apparatus, it does not serve to define the structure of the apparatus and therefore it is not given patentable weight. While this language may be helpful in defining a method of operating the apparatus of the present application, the claims are directed to the apparatus per se and not a method of operating the apparatus.

***Allowable Subject Matter***

6. Claim 10 is allowed.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

md

  
GENE C. CRAWFORD  
SUPERVISORY PATENT EXAMINER